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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,115	01/12/2001	Shigefumi Odaohhara	JA999217	1975
7590	11/12/2003			EXAMINER DU, THUAN N
Kevin P. Radigan, Esq. HESLIN & ROTHENBERG, P.C. 5 Columbia Circle Albany, NY 12203			ART UNIT 2185	PAPER NUMBER
DATE MAILED: 11/12/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/760,115	ODAOHHARA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thuan N. Du	2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

## Disposition of Claims

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7,8,9,10 . 6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

1. Claims 1-22 are presented for examination.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 3 and 4 recite the limitation "the operation of any hardware component" in lines 1-2. There is insufficient antecedent basis for this limitation in the claims.

5. Claims 12 and 13 recite the limitation "the operation of any hardware component" in line 3. There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant admission of prior art [AAPA] and Urazoe et al. [Urazoe], U.S. Patent No. 6,058,501.

8. Regarding claim 1, AAPA teaches a method substantially as claimed comprising the steps of:

reading out a result of said power-on self test [application's specification, p. 2, lines 11-14]; and

turning on the power again after stopping the power supply to said computer every time an error is detected [application's specification, p. 2, lines 16-17].

AAPA does not teach the restarting the computer occurs only when a predetermined test result has been read out.

Urazoe teaches a method for detecting errors comprising the step of indicating error has occurred in the system only when a number of detected errors is greater than a predetermined threshold value [col. 4, lines 25-30]. If the number of errors is less than the threshold value, the system operates as in a normal condition [col. 4, lines 32-35].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Urazoe because it would reduce the booting time of the system by bypassing intermittent and/or non-critical errors if a number of errors has not reached a predetermined value.

9. Regarding claims 2-9, these claims are directed to method steps for controlling power of the computer of claim 1. As stated above, AAPA and Urazoe teach the invention substantially as set forth in claim 1. At the time of the invention, one of ordinary skill in the art would have readily recognized that AAPA and Urazoe may obviously also teach the method steps of claim 1 as set forth in claims 2-9. As such, claims 2-9 are rejected under the same rationale with respect to claim 1.

10. Regarding claims 10-22, AAPA and Urazoe together teach the claimed method steps.

Therefore, AAPA and Urazoe together teach the apparatus to implement the claimed method steps.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 or via e-mail, [thuan.du@uspto.gov](mailto:thuan.du@uspto.gov). The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202.

The fax number for the organization is (703) 872-9306.



Thuan N. Du  
November 7, 2003